

Claim 1, as originally written, recites, *inter alia*

A touchscreen amusement device comprising...

a rear-mounted support stand configured to receive and support the display housing.

[underline emphasis added to the original claim language]

Heidel and Malick, taken alone or in combination, fail to disclose or suggest a touchscreen amusement device having a rear-mounted support stand configured to receive and support a display housing for the device.

To establish *prima facie* obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art. MPEP §2143.03. Further, to support the conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to be obvious in light of the teachings of the references. MPEP §2143.01. The Examiner has the burden of establishing a *prima facie* case of obviousness. M.P.E.P. §2142. The Examiner can satisfy this burden only by showing an objective teaching in the prior art, or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of the references in the manner suggested by the Examiner. M.P.E.P. § 2143.01. The mere fact that the prior art *could be* modified in the manner proposed by the Examiner does not make the modifications obvious unless the prior art suggests the desirability of the modification. *Ex parte Dussart*, 7 USPQ2d 1818, 1820 (PTO Bd. of Apps. & Int. 1988).

The Examiner acknowledges that Heidel *does not disclose* a rear-mounted support stand configured to receive and support the display housing of a touchscreen amusement device.

Heidel discloses a video game machine having a touchscreen with inputs from both buttons located on a machine housing and the touch screen to control games played on the machine. Numerous electromechanical game buttons, a coin acceptor, a bill acceptor, and a ticket printer are mounted on the front face of the machine housing. As described in the Background of the instant application, most prior art touchscreen amusement devices are configured as bulky and

box-like cabinets. The Heidel machine is presumed to be configured as a bulky and box-like cabinet, which integrates the display housing and the support mechanism, like most prior art touchscreen amusement devices. No where does Heidel suggest a flatscreen display.

Malick fails to compensate for the deficiencies of Heidel. Malick discloses a tilt adjusting apparatus for adjusting the tilt angle of a flatscreen visual display terminal. It does not disclose or suggest any amusement device, let alone the use of a rear-mounted support stand for an amusement device.

The Examiner has failed to identify *any objective* teaching in the prior art, or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of Heidel and Malick in the manner suggested by the Examiner. Even if, *arguendo*, a rear-mounted support stand used to support a flatscreen visual display terminal of Malick were combined with the touchscreen amusement device of Heidel, as suggested by the Examiner, the combined references still fail to disclose or suggest how to configure the rear mounted support stand so that it would receive and support the machine housing of the amusement device of Heidel. In fact, a bulky and box-like cabinet is necessary to facilitate mounting of the numerous accessories described above to the front face of the display housing and to provide sturdy support during operation of the accessories. The rear-mounted support stand used to support a flatscreen visual display terminal of Malick would render the touchscreen amusement device of Heidel unsatisfactory. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP §2143.01.

While any judgment of obviousness is based on hindsight reasoning, it is only permissible to take into account knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and without including knowledge gleaned *only* from the Applicant's disclosure. M.P.E.P. §2145, X, A. The Examiner appears to have impermissibly relied on the Applicant's disclosure in order to modify Heidel and Malick, because there is no

suggestion and reasonable expectation of success in the prior art as to the combination and/or modification of Heidel and Malick. Applicant respectfully submits that Heidel and Malick are simply *not* properly combinable.

For reasons discussed above, Applicant respectfully submits that claim 1 is not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick. Applicant therefore respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 2-5

The Examiner has rejected claims 2-5 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Heidel in view of Malick.

Reconsideration and withdrawal of the rejections of claims 2-5 are respectfully requested for at least the following reasons.

Claims 2-5 depend, directly or indirectly, from independent claim 1. As discussed above, claim 1 is not obvious in view of Heidel and Malick. Therefore, Applicant respectfully submits that claims 2-5 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick for at least the reasons set forth above with respect to claim 1.

Claims 2-4 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, further because the references fail to disclose or suggest a rear-mounted support stand configured to receive one of a coin acceptor, a paper currency acceptor, and a card reader.

The Examiner acknowledges that Heidel in view of Malick *fails to disclose* a rear-mounted support stand configured to receive one of a coin acceptor, a paper currency acceptor, and a card reader. The coin acceptor and bill acceptor of Heidel are mounted on the front face of a machine housing instead of on a rear-mounted support stand. Indeed, Heidel does not disclose any rear-mounted support stand, let alone a rear-mounted support stand having a coin acceptor and a bill acceptor.

Malick fails to compensate for the deficiency of Heidel. It does not disclose any touchscreen amusement device, nor any coin acceptor, paper currency acceptor, and card reader. As discussed above, a person skilled in the art would not be motivated to use a rear-mounted support stand of Malick for an amusement device of Heidel in light of the teachings of the references.

The Examiner fails to present a convincing line of reasoning as to why an artisan would have moved the coin acceptor and bill acceptor from the front face of the display housing of Heidel to a rear-mounted support stand of Malick. In fact, the rear-mounted support stand of Malick would render a coin or bill acceptor mounted therein inaccessible from the front by a user, thus rendering the amusement device of Heidel unsatisfactory. Therefore, there is no suggestion or motivation to make the proposed modification. *In re Gordon, Id.*; MPEP §2143.01. Accordingly, the rejection of claims 2-4 under 35 U.S.C. § 103(a) over Heidel in view of Malick is improper, because all the claimed limitations were not taught or suggested by the prior art.

Claim 5 is not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, further because the references fail to disclose or suggest that the display housing is selectively removable from the rear-mounted support stand.

Heidel does not teach how to make a display housing selectively removable from a support mechanism of any kind, let alone how to make a display housing selectively removable from a rear-mounted support stand. The amusement device of Heidel is presumed to integrate the display housing and the support mechanism in a bulky and box-like cabinet, like most prior art touchscreen amusement devices.

Malick fails to compensate for the deficiency of Heidel. The rear-mounted support stand of Malick is connected to the display housing by means of a hinge attached to the back wall of the display housing. Selectively removing the display housing from the rear-mounted support stand would render the invention of Malick inoperable, because Malick's apparatus for adjusting

the tilt angle of a flatscreen display requires the display housing to be constantly connected to the rear-mounted support stand. The Examiner fails to present a convincing line of reasoning as to why an artisan would have made the display housing selectively removable from the rear-mounted support stand of Malick. Accordingly, the rejection of claim 5 under 35 U.S.C. § 103(a) over Heidel in view of Malick is improper.

Applicant therefore respectfully requests that the rejection of claims 2-5 under 35 U.S.C. §103(a) be withdrawn.

Rejection of Claims 8 -12 and 18

The Examiner has rejected claims 8-12 and 18 under 35 U.S.C. §103(a) as being unpatentable (obvious) over Heidel in view of Malick.

Reconsideration and withdrawal of the rejections of claims 8-12 and 18 are respectfully requested for at least the following reasons.

Claims 8 and 18, as originally written, each recites, *inter alia*:

A touchscreen amusement device comprising...

a flatscreen touchscreen display disposed within the display housing...

an amusement device controller disposed within the display housing...

a rear-mounted support stand configured to receive and support the display housing.

[underline emphasis added to the original claim language]

As discussed above for claim 1, Heidel in view of Malick, taken alone or in combination, fail to disclose or suggest a touchscreen amusement device having a rear-mounted support stand configured to receive and support a display housing for the device. Because such underlined elements are also claimed in claims 8 and 18, Applicant respectfully submit that claims 8 and 18 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick for at least the reasons set forth above with respect to claim 1.

Claims 8 and 18 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, further because the references fail to disclose or suggest a touchscreen amusement device having a flatscreen touchscreen display disposed within a display housing and an amusement device controller disposed within the display housing with the flatscreen.

The Examiner acknowledges that Heidel in view of Malick *fails to disclose* a touchscreen device wherein the display is either a flatscreen display or a liquid crystal display. As described in the Background of the instant application, most prior art touchscreen amusement devices used cathode ray tube (CRT) monitors. The video game machine of Heidel is presumed to have a CRT display, like most prior art touchscreen amusement devices. Malick fails to compensate for the deficiencies of Heidel, because Malick does not disclose any amusement device, nor any amusement device with a flatscreen display.

The Examiner fails to present a convincing line of reasoning as to why an artisan would have used a flatscreen visual display terminal for a touchscreen amusement device. Even if, *arguendo*, a flatscreen visual display terminal of Malick were combined with the touchscreen amusement device of Heidel, as suggested by the Examiner, the combined references still fail to disclose or suggest how to configure the flatscreen amusement device to include the numerous electromechanical game buttons, the coin acceptor, bill acceptor, and ticket printer of Heidel.

In addition, the combined references fail to disclose or suggest an amusement device controller disposed within the display housing with the flatscreen. Heidel does not disclose a display housing with a flatscreen, let alone an amusement device controller disposed within such a display housing. Malick does not disclose any amusement device, let alone any amusement controller. The combined references fail to disclose or suggest a configuration that has both a flatscreen display and an amusement device controller disposed within the same display housing. As described in the Background of the instant application, a commercially available LCD touchscreen amusement device requires a separate cabinet for housing the amusement device controller. Having both a flatscreen display and an amusement device controller disposed within the same display housing provides advantage over the prior art.

Accordingly, the rejections of claims 8 and 18 under 35 U.S.C. § 103(a) over Heidel in view of Malick is improper, because all the claimed limitations were not taught or suggested by the prior art. The Examiner appears to have impermissibly relied on knowledge learned from the Applicant's disclosure in the instant application in rejecting claims 8 and 18 under 35 U.S.C. § 103(a) over Heidel in view of Malick.

For the same reasons set forth above with respect to claim 8, claims 9-12 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, because claims 9-12 depend, directly or indirectly, from independent claim 8.

Applicant therefore respectfully requests that the rejection of claims 8-12 and 18 under 35 U.S.C. §103(a) be withdrawn.

Rejections of Claims 6-7, 13, and 17

The Examiner has rejected claims 6-7, 13 and 17 under 35 U.S.C. §103(a) as being unpatentable (obvious) over Heidel in view of Malick, and further in view of U.S. Patent Application Publication Number 2004/0023708 ("Kaminkow").

Reconsideration and withdrawal of the rejections of claims 6-7, 13 and 17 are respectfully requested for at least the following reasons.

As discussed above for claims 8 and 18, Heidel in view of Malick, taken alone or in combination, fail to disclose or suggest a touchscreen amusement device having a flatscreen touchscreen display disposed within a display housing, an amusement device controller disposed within the display housing with the flatscreen, and a rear-mounted support stand. Such underlined elements are also claimed in claims 6-7, 13 and 17. Therefore, Applicant respectfully submits that claims 6-7, 13 and 17 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick for at least the reasons set forth above with respect to claim 8 and 18. Kaminkow fails to compensate for the deficiencies of Heidel and Malick.

Kaminkow discloses a gaming device having a game with a grid that has a plurality of segments. It teaches in detail a slot machine configured as a bulky and box-like cabinet. The bulky display housing of Kaminkow includes a display device and many additional components such as a plurality of reels, a play button, a bet one button, a cash out button, a coin slot, and a bill acceptor. Kaminkow mentions that the “display device can be any viewing surface such as glass, a video monitor or screen, a liquid crystal display or any other display mechanism,” and that “the display is preferably a touchscreen.”

Even if, *arguendo*, Kaminkow discloses an amusement device having a LCD touchscreen display, as alleged by the Examiner, the combined references still fail to disclose or suggest how to configure a flatscreen touchscreen amusement device to include the many additional components described above, how to include an amusement device controller disposed within the display housing with the flatscreen, and how to use a rear-mounted support stand for a bulky and boxy cabinet display housing of Kaminkow. Without such disclosure, a flatscreen touchscreen amusement device of the instant application remains a wishful thinking. The Examiner again appears to have impermissibly relied on knowledge learned from the Applicant’s disclosure in the instant application in combining Kaminkow with Heidel and Malick.

For reasons discussed above, Applicant respectfully submits that claims 6-7, 13 and 17 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, and further in view of Kaminkow. Applicant therefore respectfully requests that the rejection of claims 6-7, 13 and 17 under 35 U.S.C. §103(a) be withdrawn.

Claims 13 and 17 are not *prima facie* obvious under 35 U.S.C. § 103(a) over Heidel in view of Malick, and further in view of Kaminkow, additionally because the references fail to disclose or suggest a rear-mounted support stand coupled to a card reader, for reasons similar to those discussed above for claims 2-4. Therefore, reconsideration and withdrawal of the rejection of claims 13 and 17 are respectfully requested for at least such additional reasons.

Conclusion

In view of the foregoing discussion, it is respectfully submitted that the present application, including currently pending claims 1-13 and 17-18, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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